

### REMARKS

Reconsideration of this application is respectfully requested. Claims 1, 4, 7, 11, 17, 19, 21, 23 and 28 have been amended; and claims 3, 6, 8, 9, 10, 18, 20, 22, 25, 26 and 27 have been canceled. As such, claims 1, 2, 4, 5, 7, 11-17, 19-21, 23, 24 and 28-32 are in this application and are presented for the Examiner's consideration in view of the following comments.

In view of the amendments to independent claims 1 and 17 (described below), claims 8, 9, 18, 20, 25 and 26 have been canceled without regard to their rejection on other grounds. In addition, claims 4, 7, 11, 19, 21, 23 and 28 have been amended to conform to the amendments to their respective independent claims.

Claims 1-5, 8-17, 19, 24, 29 and 32 have been rejected on the grounds of provisional nonstatutory obviousness-type double patenting based on Applicants' co-pending U.S. Patent Application No. 10/542,972. Applicants request deferral of this provisional rejection until such time as U.S. Patent Application No. 10/542,972 is allowed and the present application has allowable subject matter.

Claims 1-5, 8-11, 12, 17-21 and 24-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,535,717 issued March 18, 2003 to Matsushima et al. (*Matsushima*) in view of U.S. Patent No. 6,700,624 issued March 2, 2004 to Yun (*Yun*). Applicants respectfully disagree. As noted above, claims 8, 9, 18, 20, 25 and 26 have been canceled without regard to this rejection.

With respect to Applicants' independent claim 17, all the requirements of claim 17 are not described in, or suggested, by *Matsushima*, or *Yun*, singly or in combination.

First, Applicants' claim 17 requires, in part (emphasis added):

a decoder.... responsive to the error representative signal, for reproducing a content representative signal at a selectable desired quality.

Nowhere does *Matsushima* describe, or suggest, such a decoder. In particular, decoding means 15a and 15b of *Matsushima* are not responsive to an error representative signal as required by Applicants' claim 17. Indeed, decoding means 15a and 15b *Matsushima* don't even receive the error signal as is clearly shown in FIGs. 6

and 7 of *Matsushima*. As such, *Matsushima* does not describe, or show, a decoder, responsive to the error representative signal as required by Applicants' claim 17.

Second, Applicants' claim 17 also requires, in part (emphasis added):

a decoder ... responsive to the error representative signal, for reproducing a content representative signal **at a selectable desired quality**.

Nowhere does *Matsushima* describe a decoder responsive to the error representative signal for reproducing a content representative signal at a selectable desired quality. In fact, it should be noted that it is not possible to select the desired quality of the signal in the apparatus described in *Matsushima*. In particular, while the apparatus described in *Matsushima* selects the signal LQ (n-1) – the selected signal depends on the “seriousness of the receiving trouble” – **not the desired quality**. (*Matsushima*, col. 20, lns. 1-8.) In fact, col. 10, ln. 58 to col. 11, ln. 6 of *Matsushima* states:

[t]he mode determining means 16 determines which of a normal receiving mode and a broadcast hindrance mode takes place. The normal receiving mode means that the high quality signal is successfully received, so that the broadcast program can be satisfactorily reproduced. The broadcast hindrance mode means that the high quality signal is not successfully received, so that the broadcast program cannot be reproduced from the high quality signal. When the mode determining means 16 determines that the normal receiving mode takes place, then the reproducing means 19 selects the high quality signal for reproduction. Conversely, when the mode determining means 16 determines that the broadcast hindrance mode takes place, then the reproducing means 19 selects the low quality signal for reproduction. In order to accomplish the above operation, the reproducing means includes delaying means 17 and selecting means 18.

*Matsushima*, col. 10, ln. 58 to col. 11, ln. 6, emphasis added.

As described above, it is not possible in *Matsushima* to select the low quality signal as the desired quality in normal receiving mode – only the high quality signal is selected. Thus, *Matsushima* does not describe a decoder responsive to the error representative signal for reproducing a content representative signal at a selectable desired quality as required by Applicants' claim 17. (Applicants' specification, p. 35, ln. 23 to p. 36, ln. 2.)

Applicants note that the Examiner points to col. 10, lns. 32-40, 46-65, and col. 11, lns. 36-60 of *Matsushima*, as support for the “selectable desired quality” of Applicants’ claim 17. However, none of these portions of *Matsushima* describe or suggest a selectable desired quality as claimed by Applicants. In contrast, col. 10, lns. 46-65, of *Matsushima* cited by the Examiner states:

[t]he mode determining means 16 determines which of a normal receiving mode and a broadcast hindrance mode takes place. The normal receiving mode means that the high quality signal is successfully received, so that the broadcast program can be satisfactorily reproduced. The broadcast hindrance mode means that the high quality signal is not successfully received, so that the broadcast program cannot be reproduced from the high quality signal.

*Matsushima*, col. 10, 46-65, emphasis added.

Again, as described in the above-underlined portion of *Matsushima* – there is no selectable **desired** quality as claimed by Applicants. In particular, in *Matsushima*, the high quality signal is always selected if the receiver is in normal receiving mode. Likewise, in *Matsushima*, the low quality signal is always selected if the receiver is in broadcast hindrance mode. There is simply no selectable **desired** quality as claimed by Applicants. In other words, it is not possible in *Matsushima* to select the low quality signal as the **desired** quality. Even if received, the low quality signal is not used in the normal receiving mode of *Matsushima*.

Nor are the above-described deficiencies found in *Matsushima* remedied by *Yun*. Nowhere does *Yun* describe, or suggest, “a decoder.... responsive to the error representative signal, for reproducing a content representative signal at a selectable desired quality” as required by Applicants’ claim 17.

However, and in the interests of furthering prosecution, Applicants have amended claim 17 to include some of the requirements of previous claims 22 and 27 (both now canceled) to make clear Applicants’ claimed “a selectable desired quality” feature. In particular, claim 17 now requires

wherein the composite signal further includes a signal carrying information about the respective qualities of the encoded set of signals; and

wherein: the storage device generates a signal representing the status of the storage device; and

the decoder comprises circuitry for automatically reproducing the content representative signal at the desired quality in response to the status representative signal.

Applicants respectfully submit that none of the requirements of

wherein: the storage device generates a signal representing the status of the storage device; and

the decoder comprises circuitry for automatically reproducing the content representative signal at the desired quality in response to the status representative signal;

are described in *Matsushima* or *Yun*. Since these requirements are found in Applicants' claim 22 (now canceled), Applicant's note that the Examiner has pointed to U.S. Patent No. 5,371,551 issued December 6, 1994 to Logan et al. (*Logan*) as describing these requirements of claim 17 as now amended. Applicants respectfully disagree.

In particular, the Examiner points to col. 5, ln. 65, to col. 6, ln. 3, of *Logan*, as describing Applicants' required:

wherein: the storage device generates a signal representing the status of the storage device; and

the decoder comprises circuitry for automatically reproducing the content representative signal at the desired quality in response to the status representative signal.

Respectfully, the Examiner is wrong. This portion of *Logan* states:

[i]n addition to varying the read and write points the microcontroller 22 may also vary the compression ratio of the compressor 18 to increase the effective capacity of the buffer memory by reducing the resolution, color quality image size of the stored images, to vary the effective programming buffer capacity.

*Logan*, col. 5, ln. 65, to col. 6, ln. 3; emphasis added.

Simply put, nowhere does this portion of *Logan* describe, or even suggest, that the storage device generates a signal as required by Applicants' claim 17. As such, it is

also not possible for *Logan* to describe “circuitry for automatically reproducing the content representative signal .... in response to the status representative signal” as required by Applicants’ claim 17. Finally, nowhere does *Logan* describe or suggest, “circuitry for automatically reproducing the content representative signal at the desired quality” as required by Applicants’ claim 17. All that *Logan* describes is that the microcontroller 22 may reduce the resolution to increase the effective capacity of the buffer memory. This is not done in response to a signal generated by a storage device as claimed by Applicants; nor is this done at a desired quality as claimed by Applicants.

In view of the above, the combination of *Matsushima*, *Yun* and *Logan* does not describe the requirements of Applicants’ independent claim 17. As such, dependent claims 19, 21, 24 and 28 are also patentable.

Similar comments apply to Applicants independent claim 1. In particular, Applicants’ claim 1 recites in part:

extracting the set of encoded signals from the composite signal;  
detecting errors in the set of extracted encoded signals to produce a subset of available extracted encoded signals which are not erroneous; and  
decoding a content representative signal at a selectable desired quality.

Neither *Matsushima*, or *Yun*, singly or in combination, teach or suggest such a series of processing steps as claimed by Applicants. For example, in contrast to Applicants’ claimed invention, Fig. 6 of *Matsushima* shows first decoding multiple signals, and then selecting one of the decoded signals for output, instead of decoding (only) a subset of extracted signals that were selected in response to error detecting – as is recited by Applicants’ independent claim 1.

In addition, and like Applicants’ claim 17, it should be noted that it is not possible to select the desired quality in the method described in *Matsushima*. In particular, the method described in *Matsushima* selects the quality signal LQ (n-1) depending on the seriousness of the receiving trouble. (*Matsushima*, col. 20, lns. 1-8.) Thus, *Matsushima* does not describe decoding the selected subset of encoded signals to

produce a content representative signal at a selectable desired quality as required by required by Applicants' claim 1. (Applicants' specification, p. 35, ln. 23 to p. 36, ln. 2.)

Nor are the above-described deficiencies found in *Matsushima* remedied by *Yun*. Nowhere does *Yun* describe, or suggest,

extracting the set of encoded signals from the composite signal;

detecting errors in the set of extracted encoded signals to produce a subset of available extracted encoded signals which are not erroneous; and

decoding a content representative signal at a selectable desired quality;

as required by Applicants' claim 1.

Finally, and in the interests of furthering prosecution, Applicants have amended claim 1 to include the requirements of previous claims 3, 6 and 10 (all now canceled) to make clear Applicants' claimed "a selectable desired quality" feature. In particular, claim 1 now requires:

wherein the step of generating a composite signal comprises the step of further including a signal carrying information about the respective qualities of the encoded set of signals; and

wherein the decoding step comprises the step of selecting the content representative signal at the desired quality automatically; and

wherein the step of selecting the desired quality automatically comprises the step of selecting the desired quality in response to the status of the storage device.

For reasons similar to those stated for Applicants' claim 17, Applicants respectfully submit that some of these requirements are not described, or suggested, in *Matsushima*, *Yun* or *Logan*, either singly or in combination.

In view of the above, the combination of *Matsushima*, *Yun* and *Logan* do not describe Applicants' independent claim 1. As such, dependent claims 2, 4, 5, 11 and 12 are also patentable.

Applicants also note the following with respect to Applicants' claims 4 and 21. In this regard, Applicants note that the Examiner appears to state that the normal receiving mode and the broadcast receiving mode of *Matsushima* are selection parameters. Respectively, the Examiner is wrong. As stated in *Matsushima*:

[T]he mode determining means 16 determines which of a normal receiving mode and a broadcast hindrance mode takes place.

*Matsushima*, col. 10, lns. 58-60; emphasis added.

Thus, the normal receiving mode and the broadcast hindrance mode of *Matsushima* are not selection parameters – they are “states” of reception. Indeed, one skilled in the art would not consider the phrase “broadcast hindrance mode” to be a parameter – it has no value – it represents a “state” of the receiver. Thus, the combination of *Matsushima* and *Yun* do not describe or suggest, Applicants' claims 4 and 21.

In view of all the above, Applicants claims 1-5, 8-11, 12, 17-21 and 24-28 are patentable over *Matsushima* in view of *Yun* and further in view of *Logan*.

Claims 6-7 and 22-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of *Yun* and further in view of *Logan*. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 17.

Claims 13-16 and 29-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of *Yun* and further in view of U.S. Patent Publication 2002/0181581 published December 5, 2002 to Birru et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 17.

Claim 32 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of *Yun* and further in view of U.S. Patent No. 6,687,305 issued February 3, 2004 to Nakamura et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 17.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at

this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted  
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